

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WELCOME HOTEL GROUP LLC and
EDISON HOLDING NJ LLC,

Plaintiffs,

-against-

LEXINGTON INSURANCE COMPANY,
CERTAIN UNDERWRITERS AT LLOYD'S OF
LONDON AND ASPEN SPECIALTY
INSURANCE COMPANY,

Defendants.

X

Civil Action No.:

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES AND CLERK OF THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, Defendants, LEXINGTON INSURANCE COMPANY, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON, and ASPEN SPECIALTY INSURANCE COMPANY (hereinafter collectively referred to as "Defendants"), file this Notice of Removal of the civil case styled Welcome Hotel Group LLC, et al. v. Lexington Insurance Company, et al., Docket No. MER-L-000471-20, pending in the Superior Court of New Jersey, Law Division, Mercer County. Removal to this Court is proper for the reasons set forth below:

1. On or about March 4, 2020, Plaintiffs filed a Complaint and Jury Demand in the Superior Court of New Jersey, Law Division, Mercer County, against Defendants encaptioned Welcome Hotel Group LLC, et al. v. Lexington Insurance Company, et al., Docket No. MER-L-000471-20. **See Exhibit A, Plaintiffs' Complaint.**

2. Plaintiffs' Complaint seeks insurance coverage from Defendants arising out of water damages that were allegedly sustained as a result of frozen pipes, and allegedly discovered

on January 4, 2018, at the property located at 1 West Lafayette Street in Trenton, New Jersey.

See Exhibit A, Plaintiffs' Complaint.

3. The Complaint and Jury Demand were served on Defendant, LEXINGTON INSURANCE COMPANY (hereinafter referred to as "Lexington"), on April 21, 2020. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and other orders served upon the Defendant are attached hereto as **Exhibit B**.

4. To date, neither Defendant, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON (hereinafter referred to as "Underwriters"), nor Defendant, ASPEN SPECIALTY INSURANCE COMPANY (hereinafter referred to as "Aspen"), has been served with the Complaint and Jury Demand. However, both Underwriters and Aspen join in the filing of this Notice of Removal.¹

5. The ground for removal of this action is diversity of citizenship of the parties under 28 U.S.C. §1441(b) as this civil action is between citizens of different states and none of the parties in interest properly joined and served as defendant(s) are a citizen of the State in which such action is brought.

6. Defendant, Lexington, is duly organized and existing under and by virtue of the laws of the state of Delaware, with its principal place of business located at 99 High Street, 23rd Floor, Boston, Massachusetts 02110.

7. Defendant, Underwriters, is an unincorporated association with its principal place of business in London, England.

8. Defendant, Underwriters, is inclusive of Lloyd's Syndicates 1414 and 1458.

¹ By joining in the filing of the instant Notice of Removal, Defendants Underwriters and Aspen do not waive service of process, and moreover, both Defendants expressly reserve their rights pursuant to Federal Rule of Civil Procedure 12(b)(5) to assert the defense of insufficient service of process to the extent that Plaintiffs do not properly serve them with the Complaint and Jury Demand.

9. Ascot Syndicate 1414 is an insurance syndicate duly organized and existing under the laws of England with their principal offices in London. Ascot Corporate Name Ltd., which is the sole corporate member of Ascot Syndicate 1414, is also duly organized and existing under the laws of England with their principal offices in London.

10. RenaissanceRe Syndicate 1458 is managed by RenaissanceRe Syndicate Management Limited, and is an insurance syndicate duly organized and existing under the laws of England with their principal offices in London. RenaissanceRe Corporate Capital (UK) Limited, which is the sole corporate member of RenaissanceRe Syndicate 1458, is also duly organized and existing under the laws of England with their principal offices in London.

11. Defendant, Aspen, is duly organized and existing under and by virtue of the laws of the state of North Dakota, with its principal place of business located in New York, New York.

12. Plaintiff, WELCOME HOTEL GROUP LLC (hereinafter referred to as “WHG”), is a New Jersey Limited Liability Company. In the Complaint, Plaintiffs admit that WHG is located in Mercer County, New Jersey. **See Exhibit A (Plaintiffs’ Compl., preamble).**

13. Plaintiff, EDISON HOLDING NJ LLC (hereinafter referred to as “EHN”) is a New Jersey Limited Liability Company. In the Complaint, Plaintiffs admit that EHN is located in Mercer County, New Jersey. **See Exhibit A (Plaintiffs’ Compl., preamble).**

14. Upon information and belief, Deepak Viswanath is an individual domiciled in Texas and is the managing member of WHG.

15. Upon information and belief, Deepak Viswanath is the managing member of EHN, and also owns EHN.

16. In their Complaint, Plaintiffs do not specify the amount of damages sought. However, pursuant to invoices and estimates of repair work in connection with the claim for

insurance coverage at issue, the amount of the claim exceeds the \$75,000 jurisdictional minimum for diversity. The amount of loss remains in dispute.

17. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. §1332 because there is complete diversity in the matter and, based upon the facts known to date, the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs.

18. This Notice is filed with the Court within thirty (30) days of Defendant, Lexington's, receipt, "through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based" as provided by 28 U.S.C. Section 1446(b).

19. Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), this Notice of Removal is filed in the District and Division within which the civil action is pending, the United States District Court, District of New Jersey.

20. Pursuant to 28 U.S.C. §1446(d), Defendant will give notice promptly to all parties of record and to the Clerk of the Superior Court of New Jersey, Law Division, Mercer County. Attached hereto as **Exhibit C** is the Notice to the Clerk for the Superior Court of New Jersey, Law Division, Ocean County that will be filed in that court. *See also* Certification of Counsel in Support of Notice of Removal, filed in conjunction herewith.

WHEREFORE, defendants LEXINGTON INSURANCE COMPANY, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON, and ASPEN SPECIALTY INSURANCE COMPANY pray that the instant action now pending before the Superior Court of New Jersey, Law Division, Mercer County, be removed therefrom to the United States District Court for the District of New Jersey and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Defendants, upon filing the Notice of Removal in the Office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Mercer County at **Mercer County Courthouse**, 175 S Broad Street, Trenton NJ 08608, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1441.

Dated: May 20, 2020

/s/ Adam P. Stark

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